Page 27, line 11, delete "antibodies/or of" and replace with --antibodies or--.

In the Claims

Cancel claims 26-39. Amend claim 25. Examine claims 19-25 and newly added claims 40-49.

25. (Amended) The antibody of claim 22 wherein the antibody is [polyclonal] monoclonal.

40. (New) The antibody of claim 19 suitable for treatment of *Cryptosporidium* infections wherein said antibody is administered to a person in need of such treatment.

41. (New) The antibody of claim 40 raised against an amino acid sequence depicted by SEQ ID NO: 4.

42. (New) The antibody of claim 41 raised against a cryptopain fragment depicted by SEQ ID NO: 5.

43. (New) The antibody of claim 41 raised against a cryptopain fragment depicted by SEQ ID NO: 6.

44. (New) The antibody of claim 19 suitable for detecting *Cryptosporidium* infection wherein said antibody is contacted with a sample specimen obtained from a person suspected to be infected

with *Cryptosporidium*.

45. (New) The antibody of claim 44 which detects a formation of an antibody/antigen complex in the sample specimen.

46. (New) The antibody of claim 45 wherein the antibody/antigen complex is detected with an enzyme-linked immunoassay or with a radioactive assay.

47. (New) The antibody of claim 45 wherein the formation of the antibody/antigen is detected by solid phase method, with double antibody assay, sandwich double antibody assay or triple antibody assay or ELISA.

48. (New) The antibody of claim 44 which detects a presence of the antibody/antigen complex of *Cryptosporidium* in a tissue, fluid sample or in environment.

49. (New) The antibody of claim 48 detected as the antibody/antigen complex in a stool, urine, saliva, blood or serum sample specimen.

ELECTION AND RESTRICTION REQUIREMENT

This election is filed in response to the Restriction Requirement dated June 11, 2002.

Restriction to one of the following inventions is required under 35 USC 121:

I. Claims 19-25, drawn to antibodies, classified in class 530, subclass 387.1, for example.

II. Claims 26 (in part) and 27, drawn to method of treatment comprising administering antibody, classified in class 424, subclass 130.1 for example.

III. Claims 26 (in part) and 28-31, drawn to method of treatment comprising administering antigen, classified in class 514, subclass 2, for example.

IV. Claims 26 (in part) and 32-35, drawn to method of treatment comprising administration of DNA, classified in class 514, subclass 44, for example.

V. Claims 36-39, drawn to method of diagnosis comprising detection of protein-antibody binding, classified in class 435, subclass 7.1, for example.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and each of II and V are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP

§806.05(h)). In the instant case the antibody can be used in immunopurification methods, or *in situ* labeling.

Inventions I and each of III and IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP §806.04, MPEP §808.01). In the instant case the different inventions are not disclosed as capable of use together and have different effects. Specifically, the methods do not require the antibody.

Although there are no provisions under the section for "Relationship of Inventions" in MPEP §806.05 for inventive groups that are directed to different methods, restriction is deemed to be proper because these methods appear to constitute patentably distinct inventions for the following reasons: Groups II-V are directed to methods that are distinct both physically and functionally, and are not required one for the other. Invention II requires administration of antibody, which is not required by any of the other groups. Invention III requires administration of antigen, which is not required by any of the other groups. Invention IV requires administration of DNA, which is not required by any of the other groups. Invention V requires detection of antibody-antigen biding, which is not required by any of the other groups. Therefore, a search and examination of all of the methods in one patent application would result in an undue burden, since

the searches for the methods are not co-extensive, the classification is different, and the subject matter is divergent.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, separate search requirements, and different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicants elect, with traverse, to prosecute Group I, claims 19-25. Applicants maintain that all groups, with exception perhaps of Group IV, that is claims 19-31 and 36-39 are all directed to the same subject matter and that is a diagnosis or treatment of *Cryptosporidium* infections using an antibody and/or antigen or complex of these two. Claims separated into groups I-III and V are intertwined and if examined separately would probably not result in finding that they are patentably distinct without requiring filing of the Terminal Disclaimer.

Applicants respectfully request that Examiner reconsiders his restriction requirement and examines at least claims 19-31 and 36-39.

REMARKS

This election is accompanied by the Amendment and addition of